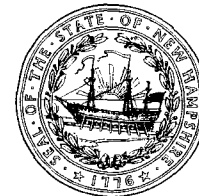




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

March 2, 2006

Mr. Frank N. Moy  
626 Baker Road  
Malone, New York 12953

**CERTIFIED MAIL (7099 3400 0018 1290 6269)**  
**RETURN RECEIPT REQUESTED**  
**NOTICE OF PAST VIOLATION**  
**(Asb., Burn)**

**RE: 298 Second NH Turnpike**  
**Hillsborough, New Hampshire**

Dear Mr. Moy:

On December 28, 2005, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") was notified by Kenny Stafford, Hillsborough Fire Inspector, that non-conforming materials had been burned at 298 Second NH Turnpike, Hillsborough, New Hampshire (the "Property"). Fire Inspector Stafford reported that on December 24, 2005, your son, Gideon Moy, was burning non-conforming material, including wire, scrap metal, a cast-iron radiator, tire rims, and painted boards, at the Property. He indicated that you own the Property and rent it to your son.

On January 13, 2006, DES personnel met with Gideon Moy and conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution*, RSA 125-C, *Air Pollution Control Act*, Env-A 1800, *Asbestos Management and Control*, and RSA 141-E, *Asbestos Management and Control Act*. He explained that you, several members of your church, and he were renovating parts of the house on the Property. The house was built in 1825. The resulting debris was transported to the burn pile.

During the inspection, DES personnel observed charred painted wood, old plaster, wire, electrical conduits, a tire, an old bicycle, weights, barbells, carpet pieces, lumber over 5" in diameter, light bulb fixtures, hangers, as well as conforming materials in the burn pile on the Property. Based upon the observations of DES personnel, there appeared to be asphalt roofing shingles and other items that could contain asbestos. As a result of the inspection and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning and asbestos abatement, so that you can prevent future violations. The specific violations are as follows:

1. RSA 125-N:4 and Env-A 1001.06 provide that the residential open burning of combustible domestic waste shall be prohibited. "Combustible domestic waste" includes painted wood and household trash. As noted above, painted wood, old plaster, wire, electrical conduits, carpet pieces, light bulb fixtures, and hangers were observed in the burn pile.

2. Env-A 1001.04 states that open burning in any part of the state shall be permissible only when the burning is authorized by an official having jurisdiction over open burning (whenever authorization is required), and includes only materials burned in conformance with the rules. Env-A 1001.07 expressly prohibits the burning of tires, and Env-A 1001.05 allows the burning of brush only if it is less than 5" in diameter. A tire and lumber over 5" in diameter were observed in the burn pile.
3. Env-A 1804.01 requires you and/or the operator, Gideon Moy, to hire an asbestos inspector to survey the area of the house to be remodeled and determine whether any asbestos is present before the start of any activities that might disturb asbestos fibers. If asbestos is discovered, Env-A 1805, *Work Practice Requirements*, describes how the asbestos-containing material should be handled and disposed in order to prevent the release of asbestos fibers.

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to these listed violations. However, I have referred this matter to the Waste Management Division of DES for its review of solid waste disposal issues associated with the burn pile. In the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fine, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Barbara Hoffman at (603) 271-7874, Air Resources Division, Compliance Bureau. If you have any questions regarding solid waste disposal, please contact Rick Berry in the Waste Management Division at (603) 271-3440. A current copy of the Air Resources Division rules can be obtained from the DES website at <http://www.des.nh.gov/rules/air.htm> or by contacting the Public Information Center at (603) 271-2975.

Sincerely,

A stylized, handwritten signature in black ink, appearing to read 'COPY' with a flourish extending from the end.

Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/blh

Enc.: Env-A 1001, *Open Burning*  
Env-A 1800, *Asbestos Management and Control*

cc: R. Kurowski, EPA Region 1  
G. Hamel, DES Legal Unit Administrator  
R. Berry, DES Waste Management Division  
D. Holmes, Hillsborough Fire Chief  
R. Buker, Chair, Hillsborough Board of Selectmen  
File